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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,588	02/16/2000	Scott E. Klopfenstein	RCA89550	5988

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Joseph S Tripoli
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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,588

Applicant(s)

KLOPFENSTEIN, SCOTT E.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3. 6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “100” has been used to designate both the decoder (Figure 1; Page 5, Line 10) and the start step (Figure 2; Page 7, Line 34). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 235 (Figure 3), 935, 945, 955, and 962 (Figure 10). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “database” or other internal memory structure as recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Newberry et al. (US Pat No. 5,625,406).

In consideration of claim 18, the Newberry et al. reference discloses a hybrid analog/digital “video decoder” [10]. The “video decoder” [10] is operable to “acquire” MPEG-2 “packetized program information comprising a program conveyed on one of a plurality of broadcast channels” via a selector/tuner [12] which may “tune to receive an individual broadcast” and “examine” the data for the “availability” of “program guide information (Col 3, Lines 3-5, 16-25).

The “video decoder” [10] is further operable to “acquire” and “capture” program information associated with the various “program guides” which may be available (Col 3, Lines 11-28, 44-48) and to “select an available program guide” in conjunction with the assembly of a unified program guide (Col 4, Lines 49-67 – Col 5, Lines 1-8). Using the unified program guide, the “video decoder” [10] may further capture MPEG-2 “packetized program information” as selected by a viewer (Col 3, Lines 3-28; Col 5, Lines 57-65).

Claims 19 is rejected wherein the Newberry et al. reference teaches that the “data” associated with the “program guide” is “examined” to determine its “type” such that a unified program guide may be assembled according to the predetermined selection priority (Col 4, Lines 49-67 – Col 5, Lines 1-8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 1-6, and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newberry et al. (US Pat No. 5,625,406).

In consideration of claim 1, the Newberry et al. reference discloses a hybrid analog/digital "video decoder" [10] that is operable to "acquire" different "types of program guide" information for assembly into a unified "program guide" (Col 2, Lines 8-13). The apparatus is operable to "acquire a program guide" (Col 3, Lines 3-10, 29-43) from a broadcast signal, to "select a program guide type from a plurality of different types of program guide" (Col 4, Lines 49-67 – Col 5, Lines 1-8), and to "associate" the "program

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guide” with a “broadcast channel” wherein a user may utilize the unified “program guide” to tune or retrieve a broadcast channel (Col 5, Lines 57-65).

As to the recited limitation regarding “updating a database”, the reference discloses that the “video decoder” [10] uses RAM [36] to store channel mapping information in conjunction with the unified program guide (Col 4, Lines 46-52) which may be routinely “updated” (Col 5, Lines 2-8). A database, as defined in the Microsoft Computer Dictionary, 5th Edition, is a “file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions”. It is well known in the art that “program guides” may comprise a plurality of program specific tables and related records. As the instant application suggests that the “architecture” of the “video decoder” is not exclusive (Page 15, Lines 3-7), it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a “database” alternative or functionally equivalent internal memory structures in conjunction with the Newberry et al. embodiment for the purposes of facilitating “program guide” operations as is understood in the art.

Claim 12 is rejected wherein the hybrid analog/digital “video decoder” [10] is operable to “acquire packetized program information” associated with the MPEG-2 format for assembly into a unified “program guide” (Col 2, Lines 8-13; Col 3, Lines 11-12). The method is taught to comprise the “acquisition” and “capture” program information associated with a “program guide” as is known in the art (Col 3, Lines 11-28). While the reference does not make explicit reference to “scanning through received broadcast channels to identify program guides available”, the reference discloses that the means for transmitting and extracting “program guides” are well understood in the art (Col 3, Lines 21-28, 31-37). Accordingly,

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the method of “scanning through received broadcast channels” to acquire program guide information would have been obvious to one of ordinary skill in the art to employ for the purposes locating any available “program guide” information which may be distributed on a number of channels in conjunction with the broadcast transmission of programming.

As aforementioned, the reference teaches that a plurality of “program guides” may be transmitted (Col 3, Lines 44-48). Subsequently, the reference further discloses the step of “selecting an identified program guide” wherein the microprocessor may “select” between available “program guides” in conjunction with the assembly of a unified program guide (Col 4, Lines 49-67 – Col 5, Lines 1-8).

Claim 2 is rejected wherein it is taught that the “acquired program guide” may comprise digital video signals with “packetized program information” such as that associated with the MPEG-2 standard (Col 3, Lines 3-28). The “acquired program guide” may be further utilized for capturing “packetized program information” associated with a program selected via the guide as is understood in the art (Col 5, Lines 57-65).

Claim 3 is rejected wherein it is well known in the art for program guide information to comprise a “list of available programs and broadcast display times” (Col 1, Lines 28-39).

Claims 4-5 and 14 are rejected wherein it is taught that the embodiment may utilize analog or digital “program guides types” (Col 3, Lines 44-48). The analog “program guide types” may be transmitted in a “vertical blanking interval” (Col 3, Lines 30-37) and the digital “program specific information” may be transmitted via the “PSI” tables or other manners supported by MPEG-2 standards such as the “ATSC PSIP format” (Col 3, Lines 3-28).

Claim 6 is rejected wherein the MPEG2 standard as cited by the applicant outlines that the “program specific information” or PSI tables include “program map information” (a) through the PMT tables and “program association information” (b) through the PAT table.

In consideration of claims 10-11, 13, and 15-16 the reference discloses that any or all of different input signals to the “video decoder” [10] may carry the same “program guide” information (Col 3, Lines 44-48). The reference teaches that the means for transmitting and extracting “program guides” are well understood in the art (Col 3, Lines 21-28, 31-37). Accordingly, while the reference does not explicitly recite the method of “automatically scanning received channels” to acquire “program guides”, it would have been obvious to one of ordinary skill in the art to employ such a method for the purposes locating any available “program guide” information which may be distributed in conjunction with the broadcast transmission of programming.

Once the “data” has been extracted, it is further “examined to identify program guides of particular type in a predetermined order”. The “video decoder” [10] is operable to develop a unified program guide interface based on predetermined selection priority wherein a “digitally coded program guide” is given priority over an “analog data program guide” (Col 4, Lines 49-67 – Col 5, Lines 1-8).

Claim 17 is rejected wherein the “video decoder” [10] is operable to develop a unified “program guide” using information from a “selected program guide” (ex. analog, digital, information service) that is associated with a “corresponding individual broadcast channel” (Col 4, Lines 49-67 – Col 5, Lines 1-8). The unified “program guide” is subsequently

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operable for the “identification and use of” for “acquiring said individual broadcast channel (Col 5, Lines 57-65).

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newberry et al. (US Pat No. 5,625,406), in view of Schneidewend et al. (US Pat No. 6,249,320). While Newberry et al. reference does not explicitly disclose that “said broadcast channel comprises a physical transmission channel” the use of a PTC is notoriously well known in the art. The Schneidewend et al. reference teaches a method for displaying and processing an “acquired program guide” that “links” physical transmission channels (PTCs) with “sub-channels” and further allocates individual program channels with a both “first and second identification number” such that the “captured packetized program information” may be used to “acquire” sub-channel programming through an exemplary EPG illustrated in Figure 12 (Col 4, Lines 31-57; Col 6, Lines 21-49; Col 12, Lines 8-34). The Schneidewend et al. further teaches that the embodiment may be utilized in conjunction with non-MPEG compatible systems involving other types of encoded data streams and other method of conveying program specific information (Col 3, Lines 5-16). Accordingly, it would have been obvious to one of ordinary skill in the art to utilize the hierarchical EPG channel grouping teachings of the Schneidewend et al. reference in conjunction with the hybrid transmission techniques of the Newberry et al. embodiment for the purpose of enabling broadcasters to effectively convey channel information in view of the creation of sub-channels (Schneidewend et al.: Col 1, Lines 38-63).
10. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newberry et al. (US Pat No. 5,625,406), in view of Rzeszewski et al. (US Pat No. 5,699,125).

In consideration of claim 20, the Newberry et al. “video decoder” [10] is operable to “examine” and “acquire” available program guide information. The Newberry et al. reference, however does not explicitly disclose the technique of “determining from a decoder database if a program guide is associated with a particular channel, in response to a user channel change command”. The Rzeszewski et al. teaches a method and device for receiving and storing EPG information in a “database” based on user designated criteria (Col 1, Lines 57-67). The apparatus subsequently “determines” if the automatically or manually tuned channel has a “program guide associated” with it and subsequently updated/stores this information based on the user designated criteria (Col 2, Lines 21-48; Figure 3; Col 5, Lines 30-45). Accordingly, it would have been obvious of ordinary skill in the art at the time of the invention to utilize the EPG storage criteria teachings in conjunction with the Newberry et al. “video decoder” [10] for the purpose of reducing the memory burden associated with the storage of program guide information that is not desired by the user (Rzeszewski et al: Col 23-48).

Claim 21 is rejected as the Newberry et al. reference discloses that that the “acquired program guide” may be utilized in capturing “packetized program information” associated with the MPEG-2 standard in conjunction with a selected program (Col 3, Lines 3-28; Col 5, Lines 57-65).

Claim 22 is rejected as aforementioned wherein the Newberry et al. reference teaches that the “data” associated with the “program guide” is “examined” to determine its “type” such that a unified program guide may be assembled according to the predetermined selection priority (Col 4, Lines 49-67 – Col 5, Lines 1-8).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newberry et al. (US Pat No. 5,625,406), in view of Rzeszewski et al. (US Pat No. 5,699,125), and in further view of Lanyon et al. (EP 0849947). While the Rzeszewski et al. reference teaches the storage of program guide information in a “database” based on user selection criteria, it does not explicitly disclose that command to “add” a channel to the list of select channels will trigger the automatic storage of the “program guide” information for that particular channel. The Lanyon et al. reference suggests that the retrieval of EPG information may be triggered via a “determined command signal” (Col 8, Lines 12-19). Accordingly, it would have been obvious to one of ordinary skill in the art to at the time of the invention to use a “determined command signal” such as a “add” command to trigger the storage of “program guide” information for that particular channel for the purposes of ensuring that the database contains the current information for the user designated channels.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Morrison (US Pat No. 6,359,580) reference discloses a system and method that allows a television viewer to select a channel without having to pre-select the source of the television signal received.

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- The Eyer et al. (US Pat No. 5,982,411) reference discloses an apparatus and method for grouping television channels transmitted via different broadcast signal transmission paths via a unified navigational interface.
- The Kostreski et al. (US Pat No. 5,734,589) reference discloses a digital entertainment terminal that is operable to receive EPG and channel map information from a plurality of providers wherein a user may access programming from a combination of providers.
- The Eyer et al. (US Pat No. 6,160,545) reference discloses an apparatus that is operable to receive both a global and local guide information wherein “preferred source” and regional variables are utilized to filter scheduling information to provide a multi-source schedule.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

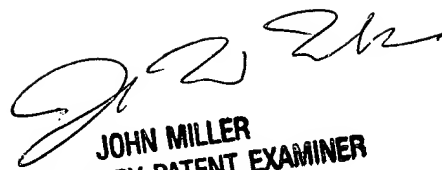
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SEB

November 15, 2002


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600